UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,631	07/03/2003	Kuansan Wang	M61.12-0521	4356

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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/613,631	WANG, KUANSAN
	Examiner	Art Unit
	ABUL K. AZAD	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 May 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-38</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-38</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the communication filed on May 22, 2007.

2.   Claims 1-38 are pending in this action.

Claim Rejections - 35 USC § 101

3.   Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-26, the "act" of the claimed process manipulate only numbers, the acts are not being applied to appropriate subject matter (a physical input and output). Thus, a process consisting solely of mathematical operation, i.e. a stepwise module and an object-oriented module does not manipulate appropriate subject matter and thus cannot constitute statutory process. For example a physical input are voice audio signals.

4.   An invention may be patentable only if it falls in of the four statutory class of subject matter 35 U.S.C. 101 *Kewanee Oil Corp., 416 U.S. 470,483,181 USPQ 673,679 (1974).* The CCPA stated that "any process, machine, manufacture, or composition of matter constitutes statutory subject matter unless it falls within a judicially determined exception of section 101." *In re Pardo, 684 F. 2d 912,214 USPQ 673,677 (CCPA 1982).* The claims are directed to non-statutory subject matter because the claimed subject matter falls within the mere idea or abstract intellectual concept exception to U.S.C. 101.

5. ⠀Descriptive material that cannot exhibit any function interrelationship with the way in which computing process are performed does not constitute a statutory process. Non-functional descriptive material stored on a medium is merely carried on the medium, it is not structurally or functionally interrelated to the medium. The allowance of such a claim would exalt form over substance. See Guidelines IV.B.1(a)-(b).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

⠀A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section ⠀351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) ⠀of such treaty in the English language.

7. Claims 1, 2, 4-18, 27-29 and 31-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Glynn (US 2004/0019476).

⠀As per claim 1, Glynn teaches, "a computer readable medium having instructions that, when implemented on a computer cause the computer to process information", the instructions comprising:

⠀"a stepwise module including instructions executed by the computer in a defined order based on an execution algorithm to establish an interaction with user" (Paragraph 0035, here stepwise module is HTML, xHTML, XML); and

"an object oriented module including at least one object having a temporal trigger for initializing an operation associated with the instructions of the stepwise module during the interaction" (Paragraphs 0037 and 0038, object oriented module is SALT).

As per claim 2, Glynn teaches, "wherein the execution algorithm automatically invokes the temporal trigger when at least one object is encountered" (Paragraph 0037).

As per claim 4, Glynn teaches, "wherein the object oriented module is a SALT module having speech application language tags" (paragraph 0037).

As per claim 5, Glynn teaches, "wherein the temporal trigger initializes a speech recognition event" (paragraph 0037).

As per claim 6, Glynn teaches, "wherein the temporal trigger initializes a DTMF recognition event" (paragraph 0037).

As per claim 7, Glynn teaches, "wherein the temporal trigger initializes a messaging event" (paragraph 0037).

As per claim 8, Glynn teaches, "wherein the stepwise module declares a first field and a second and wherein the object oriented module initializes a recognition event to obtain speech input from a user and fills the first field with a first portion of the speech input and fills the second field with a second portion of the speech input" (paragraph 0037).

As per claim 9, Glynn teaches, "wherein a first grammar is associated with the first field and a second grammar is associated with the second field" (paragraph 0037).

As per claim 10, Glynn teaches, "wherein the object oriented module initializes a recognition event having a plurality of grammars to obtain a recognition result and

associates the recognition result with at least one of the plurality of grammars" (paragraph 0037).

As per claim 11, Glynn teaches, "wherein the stepwise module declares a first field and a second field and wherein the object oriented module initializes a recognition event to obtain an utterance having speech and DTMF input from a user and associates the speech input with the first field and the DTMF input with the second field" (paragraph 0037).

As per claim 12, Glynn teaches, "wherein the stepwise module declares a field and wherein the object oriented module declares initializes a recognition event to obtain a recognition result from the user to fill the field and executes a prompt to render the field to the user" (paragraphs 0037).

As per claim 13, Glynn teaches, "wherein the object oriented module executes a messaging event to connect to a remote application" (paragraph 0037).

As per claim 14, Glynn teaches, "wherein the object oriented module receives the result based on the messaging event and renders the result to a user" (paragraph 0037).

As per claim 15, Glynn teaches, "wherein the execution algorithm as automatically advances to a subsequent instruction after completion of the operation" (paragraphs 0037 and 0038).

As per claim 16, Glynn teaches, "wherein the trigger is one of an indication of error, exception, recognition and no recognition" (paragraph 0037).

As per claim 17, Glynn teaches, "wherein the trigger is completion of a playback instruction" (paragraphs 0037 and 0038).

As per claim 18, Glynn teaches, "wherein the trigger is receipt of a message" (paragraph 0037).

As per claims 27-29, 31-38, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1, 2, 4-18, because of similar scope in the claims limitations.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3, 19-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glynn (US 2004/0019476) as applied to claims 1 and 27 above, and further in view of well-known prior art.

As per claim 3, Glynn does not explicitly teach "wherein the stepwise module is a VoiceXML module executing a form interpretation algorithm". However, Glynn teaches the stepwise module is a HTML, xHTML, XML or Java documents. Official Notice is taken on the well-known VoiceXML. Therefore, it would have been obvious to use VoiceXML substitute one of HTML, xHTML, XML or Java documents in the invention to

achieve the predictable result of extracting information from the web site and delivered to the user.

As per claims 19-26, and 30, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 3 and 1, 2, 4-18.

Response to Arguments

10.   Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450
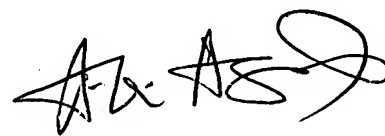
Or faxed to: **(571) 273-8300.**

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

August 5, 2007

Abul K. Azad
Primary Examiner
Art Unit 2626